

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- against -

COLONIAL INVESTMENT MANAGEMENT, LLC,  
COLONIAL FUND LLC, and CARY G. BRODY,

Defendants.

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07 Civ. 8849 (PKC)

ECF CASE

**DECLARATION OF JOHN J. GRAUBARD**

JOHN J. GRAUBARD declares under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a senior attorney in the New York Regional Office of the Securities and Exchange Commission. I am personally familiar with the facts set forth herein. I am over 18 years old and I believe in the obligations of an oath.

2. On September 20, 2010, I sent by overnight courier service, UPS, a copy of the following documents in the above action to counsel shown in paragraph 3 below:

- a. Order to Show Cause;
- b. Motion for Turnover Order;
- c. Declaration of John J. Graubard and Exhibits;
- d. Declaration of John J. Graubard pursuant to Local Civil Rule 6.1; and
- e. Memorandum of Law.


3. Service was made upon:

Lara J. Brody, Esq.  
Counsel for Defendants  
Lieberman Brody LLP  
1370 6<sup>th</sup> Avenue  
New York, NY 10019

Richard J. Swanson, Esq.  
Counsel for Intervenor Felicia Pierot Brody  
Arnold & Porter LLP  
399 Park Avenue, 35<sup>th</sup> Floor  
New York, NY 10022.

Copies of the delivery receipts showing that these papers were received on September 21, 2010 are attached.

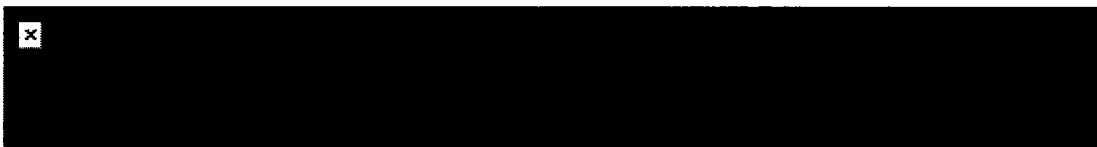
I declare under penalty of perjury that the foregoing is true and correct. Executed at New York, New York on September 21, 2010.

  
\_\_\_\_\_  
JOHN J. GRAUBARD

**Graubard, John J.**

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**From:** UPS Quantum View [auto-notify@ups.com]  
**Sent:** Tuesday, September 21, 2010 10:25 AM  
**To:** Graubard, John J.  
**Subject:** UPS Delivery Notification, Tracking Number 1ZA3747T0193975227



\*\*\*Do not reply to this e-mail. UPS and SEC-NY REGIONAL will not receive your reply.

**At the request of SEC-NY REGIONAL, this notice is to confirm that the following shipment has been delivered.**

**Important Delivery Information**

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**Tracking Number:** 1ZA3747T0193975227  
**Delivery Date / Time:** 21-September-2010 / 9:51 AM

**Delivery Location:** RECEPTION  
**Signed by:** KITTER

**Shipment Detail**

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**Ship To:**  
Lara J. Brody, Esq.  
Lieberman Brody LLP  
1370 6TH AVE  
NEW YORK  
NY  
10019  
US

**Number of Packages** 1  
**UPS Service:** NEXT DAY AIR  
**Weight:** 0.5 LBS  
**Reference Number 1:** CIM

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**Graubard, John J.**

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**From:** UPS Quantum View [auto-notify@ups.com]  
**Sent:** Tuesday, September 21, 2010 11:00 AM  
**To:** Graubard, John J.  
**Subject:** UPS Delivery Notification, Tracking Number 1ZA3747T0190200836

x

\*\*\*Do not reply to this e-mail. UPS and SEC-NY REGIONAL will not receive your reply.

**At the request of SEC-NY REGIONAL, this notice is to confirm that the following shipment has been delivered.**

**Important Delivery Information**

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**Tracking Number:** 1ZA3747T0190200836

**Delivery Date / Time:** 21-September-2010 / 10:20 AM

**Delivery Location:** MAIL ROOM

**Signed by:** SHAW

**Shipment Detail**

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**Ship To:**

Richard J. Swanson, Esq.

Arnold & Porter LLP

399 PARK AVE

FLOOR 35

NEW YORK

NY

10022

US

**Number of Packages** 1

**UPS Service:** NEXT DAY AIR

**Weight:** 0.5 LBS

**Reference Number 1:** CIM

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